IN THE

Supreme Court of the United States

October Term, 1969
No. 1524

HALSEY L. WILLIAMS,

Petitioner,

vs.

BURDICK F. WILLIAMS,

Respondent.

RESPONSE TO THE PETITION FOR WRIT OF CERTIORARI.

1. There Is No Constitutional Question Involved.

Succinctly stated, the Petitioner who is appearing *in propria persona,* simply does not understand or refuses to understand the true nature of what has transpired.

2. The Question Whether the Property Should Be Partitioned or Not Is the Subject of Final Adjudication.

As shown by the unpublished opinion of the Court of Appeal, State of California, Second Appellate District, Division 4 (attached as Appendix III to the Petition for Writ of Certiorari), the real issue in the case was earlier determined by the opinion of the Court of Appeal reported in 255 Cal. App. 2d 648, 63 Cal. Rptr. 354, which decision was rendered on November 3, 1967 and the Petition for Hearing by the California Supreme Court thereon denied on ~~September~~ Dec. 27, 1967.

The Petitioner Halsey L. Williams did not file any Petition for Writ of Certiorari with the United States Supreme Court from that decision. Hence, that decision is a final adjudication of the issue that the property in question was to be partitioned. The only issue therefore left for determination after the remittitur was issued in said decision was to determine the actual partition or division of the property. Directly in accordance with the statutory law of California governing the subject, a division of the property was recommended by the Referees to the trial court, and it had to determine whether said Referees' Report should be approved or not, and in any event, order allocation of the property (as partitioned) to the parties.

At the time of the hearing thereon before the trial court, the Petitioner was given his choice of the two parcels of property as recommended to be partitioned by the Referees. As indicated by the last unreported opinion of the Court of Appeal, said Appendix III, page 4 thereof, the Petitioner received the more valuable parcel (and as noted in the footnote by his own figures, received a windfall of $55,000) by the judgment. On page 5 of said Appendix opinion, the court noted:

> "In addition, when the matter was in trial, plaintiff, as we have indicated above, offered to give defendant his choice of the two parcels. The offer was never accepted. Under these circumstances, defendant cannot complain here that he was shortchanged in the assignment of the parcels."

For those reasons, the judgment decreeing partition in that matter was affirmed. Under the circumstances, the Petitioner is not an aggrieved party and there is

no reason why the Supreme Court of the United States should be concerned with the case.

For the foregoing reasons, it is most respectfully suggested that the Petition for Writ of Certiorari should be denied.

Most respectfully submitted,

MILO V. OLSON,
Attorney for Respondent.